

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F036850      People v. McKelly**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F036850      People v. McKelly**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037398      In re Nicole S., et al., Minors**

The section 300, subdivision (g), finding is stricken, in all other respects the judgment is affirmed. Cornell, J.

We concur: Buckley, Acting P.J.; Kane, Pro Tem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036034      People v. Chavez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F036034      People v. Chavez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035702      Cordova v. Daily Independent et al.**

Upon motion of appellant, the order filed on July 6, 2001, dismissing the above entitled appeal is vacated; said appeal is ordered reinstated.

IN THE

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**F034649      People v. Lindsey**

The finding that appellant's November 18, 1991, Washington robbery conviction is a serious strike felony conviction is reversed. In all other respects, the judgment is affirmed. Harris, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034398      People v. Gervacio**

Appellant's petition for rehearing filed herein is denied.

**F034837      People v. Pinkerton**

The judgment is affirmed with modifications. Harris, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034459      People v. Brucker**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F035793      People v. Stephens**

Appellant's petition for rehearing filed herein is denied.

**F034356      People v. West**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F032416      Asher v. Bollanger et al**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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- F036496      People v. Smith, Jr.**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F036906      In re Joel P., a Minor**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F034404      People v. Elizaldi**  
The judgment is affirmed. Levy, J.  
We concur: Ardaiz, P.J.; Vartabedian, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F034926      People v. Madden**  
The judgment is affirmed. Buckley, Acting P.J.  
We concur: Cornell, J.; Kane, Pro Tem J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F036906      In re Joel P., a Minor**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F036496      People v. Smith, Jr.**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]